

employment, (3) whether notice and claim were timely made, and (4) whether certain defenses apply. The issues raised by respondent and its insurance carrier do not fall within any of those four categories. Therefore, K.S.A. 44-534a, as amended, does not empower the Appeals Board with jurisdiction to review the issues presented by the respondent and its insurance carrier at this stage of the proceeding.

Likewise, K.S.A. 44-551(b)(2)(A), as amended, does not grant the Appeals Board jurisdiction at this juncture of the proceeding to review and reweigh the evidence concerning claimant's entitlement to medical treatment. K.S.A. 44-534a, as amended, specifically authorizes administrative law judges to award medical benefits at preliminary hearings and the Appeals Board finds that the weight-loss program which the judge ordered is medical treatment as contemplated by K.S.A. 1988 Supp. 44-510.

Because the Appeals Board does not have jurisdiction to consider the issues raised by respondent and its insurance carrier at this juncture of the proceedings, the appeal should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this review is dismissed and the Order of Administrative Law Judge Julie A. N. Sample dated October 22, 1997, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of December 1997.

BOARD MEMBER

c: Dennis L. Horner, Kansas City, KS
David F. Menghini, Kansas City, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director